

REMARKS

Reconsideration of the present application in view of the preceding amendments and following remarks is respectfully requested. Claims 1-7 are pending. Claims 1, 3 and 7 are canceled without prejudice. Applicants note the above amendment to the claims and specification were made for clarification purposes only, without prejudice to the filing of any related divisional, continuation, or continuation-in-part application(s). For instance, the changes to the chemical formula at page 3, line 8 are made to correct a typographical error, wherein it is clear to one of skill in the art that carbon should only have 4 bonds and not 5 as noted in the as filed application. No new matter has been added to the application by way of amendment.

Objections to Disclosure/Specification

The Action alleges the specification contains an informality, in that the specification does not state priority application information. Applicants have amended the specification to add a cross reference section that correctly identifies this application as a U.S. National Phase Application and submits that this informality has been corrected.

Applicants submit the cross reference section merely reflects the changes requested by the Examiner, and contains no new matter. Accordingly, Applicants respectfully request this objection be withdrawn.

Non-Statutory Provisional Obviousness-Type Double patenting rejection

Claims 1-7 are rejected under 35 U.S.C. §101 as allegedly claiming the same invention as that of claims 1-7 of copending Application No. 10/551,081. By this amendment, claims 1-3 and 7 have been cancelled and thus this rejection is moot as to these claims. As to the remaining claims, solely in order to expedite issuance and not in acquiescence to this rejection, a timely filed terminal disclaimer is attached hereto. It is thus requested that this ground for rejection be withdrawn.

Claim rejections under 35 U.S.C. §112, second paragraph

Claims 1-3 and 7 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner contends that the claims do not set forth any steps involved in the method/process applicant is intending to encompass. While Applicants respectfully disagree, nevertheless, solely to expedite allowance, Applicants have canceled claims 1-3 and 7 and thus, this basis of rejection is rendered moot.

Claim rejections under 35 U.S.C. §101

Claims 1-3 and 7 stand rejected under 35 U.S.C. §101, as allegedly claiming a use with no step or process. As Applicants have canceled these claims, these grounds of rejection are rendered moot. Applicants thus respectfully request withdrawal of the same.

Claim rejections under 35 U.S.C. §102(b)

Claims 1-7 stand rejected under 35 U.S.C. §102(b), as allegedly being anticipated by U.S. Pat. No. 6,037,333 (Panjwani). More specifically, the Action states that Panjwani discloses administration of N-acetyl-glucosamine for inhibition of bacterial infection and thus control of local lesions and systemic symptoms would be inherent therein.

Applicants respectfully traverse this ground for rejection and submit that nowhere does Panjwani expressly or inherently teach control of local lesions of treatment of systemic symptoms from viral or bacterial infections. However, solely in order to facilitate allowance, Applicants have amended the claims to specifically focus on one aspect of the present invention, which is viral infection and control of micro-heterology variation in a patient.

Further, Applicants submit that one key aspect of the present invention is the surprising discovery that N-acetyl-D-glucosamine does not function the same as an antibiotic which is the use Panjwani sets forth. One aspect of the invention is the use of N-acetyl-D-glucosamine or pharmaceutically acceptable salts thereof to control the micro-heterology variation in a patient so as to control local lesions and systematic symptoms after the infections of virus or bacteria, not the inhibition of infection per se. Example 3 of the specification sets

forth key results of this discovery. Further, Example 4 demonstrates that N-acetyl-D-glucosamine in animal models regulates micro-heterology variation. As clearly demonstrated in Example 4, following administration of N-acetyl-D-glucosamine, the cellular activity can be stabilized in, therefore, the normal activities of the components in the living body are maintained, so local or systematic lesions will not occur.

As Panjwani nowhere discloses either treatment of viral lesions or systemic effects thereof, or the induction of micro-heterology, Applicants respectfully submit that this ground for rejection should be withdrawn.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/William T. Christiansen/
William T. Christiansen, Ph.D.
Registration No. 44,614

WTC:jto

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1025219_1.DOC